

ORIGINAL

FILED

1 WILLIAM JOHN DAUGHTERY

2 CDCR # F-79985

2008 JUL 21 AM 8:28

3 CHICKAWALLA VALLEY STATE PRISON

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

4 P.O. Box 2349/DIO-1104P

BY PM DEPUTY

5 BLYTHE, CALIFORNIA 92226

NUNC PRO TUNC

6

JUL -9 2008

7

UNITED STATES DISTRICT COURT

8

SOUTHERN DISTRICT OF CALIFORNIA

9

10 WILLIAM JOHN DAUGHTERY, CIVIL CASE NO. 08CV0408 WQH (BLM)

11 , PLAINTIFF NOTICE AND MOTION REQUESTING

12 V. INFORMATION FROM THE CLERK PER

13 WILSON, TAGABAN, GRIFFIN CASE MANAGEMENT CONFERENCE AND

14 LEMUS, CITY OF SAN DIEGO ORDER REGULATING DISCOVERY AND

15 AND SAN DIEGO POLICE DEPT. OTHER PRETRIAL PROCEEDINGS: 4/17/08

16 DEFENDANTS

17 DATE: 2 JULY 2008

18

19 I, WILLIAM JOHN DAUGHTERY, PETITIONER AND PLAINTIFF, IN

20 ABOVE TITLED CASE, PROCEEDING PRO SE AND IN FORMA

21 PAUPERIS, DO HEREBY MOVE AND REQUEST THE COURT TO

22 DIRECT THE CLERK TO RESPOND TO QUESTIONS REGARDING

23 THIS CASE AS MENTIONED IN THE ABOVE ORDER ISSUED

24 APRIL 17 2008 BY JUDGE MAGISTRATE BARBARA L. MAJOR

25 PAGE 4, LINE 7 AND 8.

26 INASMUCH AS PETITIONER IS PROCEEDING WITHOUT COUNSEL

27 (MAGISTRATE HAVING TWICE DENIED TWO APPLICATIONS FOR

28 APPOINTMENT OF COUNSEL.) SEVERAL DIFFICULTIES

WILLIAM SAUGHTRY  
CDLR # 19985  
PO. Box 2349 / DIO-1104  
BLYTHE, CA 92226

DATE: 2 JULY 2008

PAGE 2

RE: 08CV0408 WQH(BLM)

MOTION REQUESTING INFORMATION (CONT.)

HAVE ARISEN THAT DO NOT REQUIRE LEGAL ADVICE FROM THE CLERK, BUT DO REQUIRE DEFINING PROCEDURES NOT COVERED BY FEDERAL RULES OF CIVIL PROCEDURE OR LOCAL RULES OF CIVIL PROCEDURE.

IT IS REQUESTED THAT THE CLERK SUGGEST/RECOMMEND ACTIONS THAT WOULD BE ACCEPTABLE TO THE COURT IN THE FOLLOWING PUZZLING CIRCUMSTANCES:

I. MANDATORY SETTLEMENT CONFERENCE (19 NOV. 2008)

① PRISON LITIGATION COORDINATOR REQUESTS ~~TELEPHONE~~ NUMBER WHICH WOULD CONNECT TO COURTROOM FOR TELEPHONIC CONFERENCING. SEE EXHIBIT A, ATTACHED

★ WHAT IS THE NUMBER?

II. DISCOVERY AND WITNESS LIST

① I HAVE AN ESSENTIAL EYEWITNESS THAT IS PRESENTLY INCARCERATED IN CALI DEPT. OF CORRECTIONS AND REHABILITATION SYSTEM. I HAVE ATTEMPTED TO LOCATE HIS EXACT LOCATION TO SERVE SUBPOENA (DUCESTECCUM) UNSUCCESSFULLY.

SEE EXHIBIT B(1), B(2) AND B(3).

★ MAY I ADDRESS THE SUBPOENA TO THE DEPARTMENT DIRECTOR INSTEAD OF A SPECIFIC WARDEN? I HAVE ONLY LIMITED INFORMATION ON WITNESS SINCE I DO NOT HAVE DISCOVERY FROM DEFENDANTS NOR COUNSEL/INVESTIGATOR.

WILLIAM DAUGHTERY  
 FT9985  
 P.O. BOX 2349/D10-1104P  
 BLYTHE, CA 92226

DATE 2 July 2008

RE: 08CV0408 WQH(BLM) PAGE 3

## MOTION REQUESTING INFORMATION (Cont.)

### III. SUMMONS.

① I HAVE SUCCESSFULLY SERVED SUMMONS ON ALL DEFENDANTS EXCEPT DENNIS WILSON, FORMERLY OF S.D. POLICE DEPT., ALL OTHER POLICE DEFENDANTS ARE REPRESENTED BY CITY ATTORNEYS OFFICE.

I HAVE ATTEMPTED SERVICE AT: ① SAN DIEGO POLICE DEPT.

② COUNTY SHERIFFS DEPARTMENT (WILSON IS NOW A DEPUTY SHERIFF, TWICE.

\* HOW CAN I SERVE WILSON LEGALLY IF ALL PLACES REFUSE TO ACCEPT SERVICE?

### IV. FORMS.

① I HAVE TO HAND PRODUCE ALL DOCUMENTS IN AS MUCH AS YOUR OFFICE DOES NOT HAVE PREPRINTED STANDARD FORMS. THE PRISON LIBRARY HAS NO FORMS ALSO AND IS FREQUENTLY UNAVAILABLE. SEE EXHIBITS C(1), C(2), C(3) AND C(4) ATTACHED. HOW CAN I DILIGENTLY PURSUE DISCOVERY, ASSEMBLE WITNESS LIST AND GATHER EVIDENCE (I.E. CRIMINAL TRIAL TRANSCRIPTS) WITHOUT SUBPOENAS, INTERROGATORIES AND ADMISSIONS ETC.?

### CONCLUSION.

PLEASE ADDRESS EACH POINT AND PROVIDE SOLUTIONS ACCEPTABLE TO THE COURT.

WILLIAM DAUGHTERY  
F-79985  
P.O. Box 2349 / D10-11049  
BLYTHE, CA 92226

DATE: 2 July 2008

RE: D8CV0408 WQH (BLM) Page 4

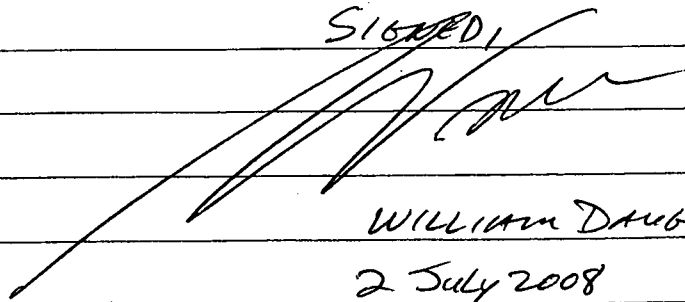
MOTION REQUESTING INFORMATION (CONT.)

DECLARATION

I, WILLIAM DAUGHTERY, THE PLAINTIFF AND PETITIONER  
PROCEEDING PRO SE AND FORMA PAUPERIS, IN THE ABOVE  
ENTITLED ACTION, DO HEREBY SWEAR AND AFFIRM  
THAT THE FOREGOING IS TRUE TO THE BEST OF  
MY KNOWLEDGE AND THAT A COPY OF THESE DOCUMENTS  
HAVE BEEN SERVED BY MAIL ON THE DEFENDANTS  
ATTORNEYS OF RECORD:

MICHAEL S. AGUIRRE, CITY ATTORNEY  
C/O WENDY E. DAVISSON, DEPUTY CITY ATTORNEY  
OFFICE OF THE CITY ATTORNEY  
1200 THIRD AVENUE, SUITE 1100  
SAN DIEGO, CALIFORNIA 92101-4100

SIGNED,



WILLIAM DAUGHTERY

2 July 2008

State of California

Department of Corrections

*EXHIBIT A*  
*ORIGINAL***Memorandum**

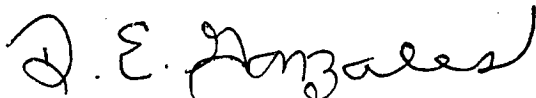
Date : July 2, 2008

To : William Daughtery, F79985  
D10-110U JOC RMBSubject: **REQUEST FOR TELEPHONIC COURT APPEARANCE (08CV0408 WQH (BLM))**

This is to confirm receipt of the Case Management Conference Order Regulating Discovery and Other Proceedings, dated April 17, 2008, signed by Magistrate Judge Barbara L. Major. Additionally, you submitted a copy of your Motion to the Court for a Civil Subpoena (Duces Tecum) to produce you for telephonic appearance.

Your Motion was not necessary as the Court's Order clearly states you may appear telephonically for the Mandatory Settlement Conference on November 19, 2008, at 0930 hours. Noted is the fact, defense counsel shall coordinate your appearance by telephone. **As such, it is necessary that you advise us of the telephone number to connect you with Judge Major's court room.** You should provide the number to the Litigation Coordinator as soon as possible. On the day of the hearing you will report to your assigned correctional counselor, J. E. Mendoza, who will then place the call.

If you have any questions, you may contact your counselor.



D. E. GONZALES, CCII  
Retired Annuitant  
Litigation Coordinator  
Chuckawalla Valley State Prison

Attachment

cc: J. Mendoza, CCI  
D. Figueroa, CCII

**DEPARTMENT OF CORRECTIONS AND REHABILITATION****Chuckawalla Valley State Prison****P. O. Box 2289****Blythe, CA 92226***EXHIBIT B(1)*  
*ORIGINAL*

June 30, 2008

W. Daughtery, F79985  
Chuckawalla Valley State Prison, D10-110U  
Post Office Box 2349  
Blythe, California 92226

Regarding: Request for Witness List

Dear Mr. Daughtery:

This is in response to your request for interview dated June 25, 2008, requesting the Litigation Coordinator to assist you in preparation of a witness list for a pending court hearing.

The institutional Litigation Coordinator does not have access to the data base which tracks inmates incarcerated in the California Department of Corrections and Rehabilitation.

Additionally, assistance to prepare documentation for a court proceeding is more appropriately addressed to your legal representative.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Asuncion", with a long horizontal line extending to the right.

D. ASUNCION  
Litigation Coordinator (A)  
Chuckawalla Valley State Prison

EXHIBIT B(2) ORIGINAL

DEPARTMENT OF CORRECTIONS

## INMATE REQUEST FOR INTERVIEW

STATE OF CALIFORNIA  
GA-22 (9/92)

DATE 6-17-08	TO CVSP	FROM (LAST NAME) CENTRAL LIBRARIAN	CDC NUMBER F79985
HOUSING D10-110 WP	BED NUMBER 110 WP	WORK ASSIGNMENT VOC PLUMBING	JOB NUMBER FROM 004 TO
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.) NONE		ASSIGNMENT HOURS FROM 0630 TO 1330	

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

YOU HAVE COPY OF ORDER SETTING SCHEDULE etc. I HAVE DEADLINE TO (7-18-08) PRESENT  
WITNESS LIST TO COURT. I NEED CDR # LOCATION OF EYEWITNESS: STEVEN MONTGOMERY  
COMMITTED TO CDR (A) MAY/SWE? 2006 OR 2007 FROM SD. COURT. I NEED TO SUBPOENA  
FOR COURT TRIAL: FURTHER INFO: HIS BLK NAME, 35 YR OLD, OLD CDR# (VICTIM W/ N BEEF.)

INTERVIEWED BY

Do NOT write below this line. If more space is required, write on back.

DATE

M. J. SK. Librarian 6-22-08

DISPOSITION

Unless they are at CVSP, I do not have access to  
the computers that track CDR inmates nor do I have  
the authority to check. You can check with the litigation  
coordinator at the warden's office, they can give you a more  
definitive answer.



EXHIBIT  
C (1)  
ORIGINAL

**UNITED STATES DISTRICT COURT**

Southern District of California  
Office of The Clerk  
880 Front Street, Room 4290  
San Diego, California 92101-8900  
(619) 557-6348

Visit our website at [www.casd.uscourts.gov](http://www.casd.uscourts.gov)

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**W. Samuel Hamrick, Jr.**  
Clerk of Court

**John Morrill**  
Chief Deputy of Operations

**Alan Counts**  
Chief Deputy of Administration

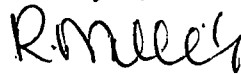
**Michael Nagy**  
Director of Information Technology

June 10, 2008

Dear Mr. Daughtery,

Unfortunately we do not have the forms that you requested. Please submit your requests in pleading format. I am attaching pleading paper for your use.

Thank you,



R. Mullin



EXHIBIT  
C(2)

ORIGINAL

WILLIAM DAUGHERTY  
F79985

P.O. Box 2349 / D10-1104P

BLYTHE, CA. 92226

4 JUNE 2008

RE: 08 CV 0408-WQH (BLM)

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK

880 FRONT STREET, SUITE 4290

SAN DIEGO, CALIFORNIA 92101-8900

CLERK,

I AM PROCEEDING PRO SE AND INFORM A PAUPERIS  
WITH A COMPLAINT BROUGHT PURSUANT 42 U.S.C  
§ 1983. I AM A STATE PRISONER AT CHUCKAWALLA  
VALLEY STATE PRISON.

I HAVE, AS A NECESSITY TO REQUEST FEDERAL  
CIVIL FORMS UNAVAILABLE DUE TO LACK OF  
ACCESS TO LAW LIBRARY HERE (SEE ENCLOSED INSTITUTIONAL  
NOTICE DATED MAY 16, 2008). PLEASE FORWARD THE  
FOLLOWING FORMS:

① SUBPOENA DUCES TECUM

② INTERROGATORIES

③ ADMISSIONS

④ REQUEST TO PRODUCE

⑤ A STATE PRISONER IN CUSTODY OF CALIFORNIA DEPARTMENT  
OF CORRECTIONS MUST BE CALLED TO TESTIFY AT TRIAL  
(MR. STEVEN ANDREW MONTGOMERY); SEND FORMS TO  
EFFECT DIRECTION TO PRODUCE FROM CDCR TO TRIAL.  
FOR PAYMENT FOR FORFAS REFERENCE: FORMA PAUPERIS  
GRANT (DOC. #2) 3/10/2008, THANK YOU.

CERTIFICATE OF SERVICE - I HEREBY SWEAR AFFIRM  
THAT A COPY OF PRECEDING IS SERVED BY MAIL ON  
THE DEFENDANT'S ATTORNEY OF RECORD:

MICHAEL J. AGUIRRE, CITY ATTORNEY

c/o WENDY DAVISSON, DEPUTY CITY ATTORNEY, CA. NO. 1991876

1200 THIRD AVENUE, STE. 1100

SAN DIEGO, CA. 92101-4100

WILLIAM DAUGHERTY

State of California

Department of Corrections and Rehabilitation

**Memorandum**

EXHIBIT  
C(4)  
ORIGINAL

Date: May 16, 2008.

To: All Concerned


Subject: LIBRARY OPERATIONS BEGINNING MAY 16, 2008

Until further notice all libraries may be on restricted open days and hours depending on staff available, inmate clerks available and trained, and of course, the move from B to C Facility.

The primary library function until all issues are resolved in all libraries will be the law libraries. Seating is limited; Preferred Legal Users (PLU) will always be seated, others depending on the posted library capacity.

Recreation reading library will be closed on a yard by yard, day by day basis until there are sufficient inmate staff and operating days to handle the demand. If recreation library is able to open and then must be shut down the next operating day for reason, please deposit all due books in the outside drop box.

If you have questions, contact me at extension 5628.

  
M. HARTMAN  
Senior Librarian

cc: C. Ynson, SCEP  
Facility Captain's  
LTA's